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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/613,562	07/02/2003	Duwayne R. Anderson	7249 US 1	5488

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EXAMINER

VALENTIN, JUAN D

ART UNIT PAPER NUMBER

2877

DATE MAILED: 05/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/613,562

Applicant(s)

ANDERSON, DUWAYNE R.

Examiner

Juan D Valentin II

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 3/8/2004.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12 and 13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12 and 13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 03/08/2004 have been fully considered but they are not persuasive.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claim 12 rejected under 35 U.S.C. 102(e) as being fully anticipated by He et al. (USPAPN 2001/0048070 A1, hereinafter He).

Claim 12

He discloses in conjunction with Fig. 9, a method of adjusting a fiber pigtailed assembly 116 for coupling light from an optical fiber 116 to an optical detector 98 with low back reflectance and minimum polarization-dependant responsivity comprising the steps of providing a source of light having a plurality of polarization states to the optical fiber, adjusting a rotation angle between a beveled end of the optical fiber and a detector surface of the optical detector adjacent the beveled end, the detector surface being tilted with respect to the beveled end, while

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observing an electrical output from the optical detector for a minimum peak-to-peak value [0072-0074, 0083, & 0092-0096].

It is clear that the light source of He provides "a plurality of polarization states" to an optical fiber, as stated in claim 12. For further clarification of the record, Applicant is pointed to paragraph [0029]. With regards to Applicants argument that there is no indication of an optical fiber that has a beveled end, it is noted that in both Figs. 7 & 13, He discloses a fiber with a beveled end [0083 & 0101]. It is the position of the Office that He reads on the claim language as drafted, disclosing "adjusting a rotation angle between a beveled end of the optical fiber and a detector surface" and "the detector surface being tilted with respect to the beveled end" (Figs. 3 & 13). Further, it is the position of the Office, that the tilt angle adjustment between the detector surface 28 and the optical axis of optical fiber 52 reads on both applicants limitations of "adjusting a rotation angle" and "the detector surface being tilted with respect to the beveled end" (Fig.3). Applicant has not specified within the claim exactly what rotation angle is adjusted, therefore, the reference of He reads on the claimed invention.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 13 rejected under 35 U.S.C. 103(a) as being unpatentable over He in view of Minamino et al. (USPN '666 B1, hereinafter Minamino).

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Claim 13

Jiang in view of He substantially teaches the claimed invention except that it fails to show further comprising means for adjusting a tilt angle of the detector surface with respect to the beveled end. Minamino shows that it is known to provide tilt-adjusting means (col. 12, line 52-col. 13, line 15) for a light-receiving module. It would have been obvious to someone of ordinary skill in the art to combine the device of Jiang in view of He with the tilt adjustment means of Minamino for the purposes of suppressing harmful influences due to light reflection (col. 13, lines 7-15).

It would be an obvious combination to someone of ordinary skill in the art at the time of the claimed invention to iterate **both** the rotation of the fiber as disclosed by He for compensating for polarization dependent response [0083] and the tilt angle between the fiber face and detector as taught by Minamino for the purposes of minimizing light reflections between the fiber and detector surfaces (col. 13, lines 7-15).

He as applied above with respect to claim 12 and further in combination with Minamino as applied above in claim 13 discloses the claimed invention. The rejection is maintained.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after

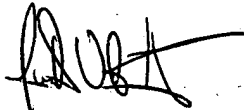
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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Juan D Valentin II whose telephone number is (571) 272-2433. The examiner can normally be reached on M-Th., Every other Fr..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank G Font can be reached on (571) 272-2415. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Juan D Valentin II
Examiner 2877

JDV

May 18, 2004



Michael P. Stafira
Primary Patent Examiner
Technology Center 2800